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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,340	02/27/2002	Simon Mellor	21860-6061	8537
33123	7590	09/21/2005	EXAMINER	
DAVID A. HALL HELLER EHRLMAN LLP 4350 LA JOLLA VILLAGE DRIVE #700 7TH FLOOR SAN DIEGO, CA 92122			YUN, EUGENE	
		ART UNIT		PAPER NUMBER
		2682		
DATE MAILED: 09/21/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/085,340	MELLOR ET AL.	
	Examiner	Art Unit	
	Eugene Yun	2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4,8-10,15 and 17 is/are pending in the application.
 - 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) ____ is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 27 February 2002 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 8-10 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Ketonen (US 6,594,508).

Referring to Claim 8, Ketonen teaches a method of transmitting a communication signal between a radio base station and a radiation element, the method comprising: receiving an input signal (see col. 2, lines 7-9); extracting a data signal from the input signal that includes values representing operating parameter settings for devices at the radiation element (see col. 3, lines 50-55); and

producing an output signal for each device that transfers the operating parameter setting to the device (see col. 9, lines 66-67 and col. 10, lines 1-8).

Claim 17 has similar limitations to claim 8.

Referring to Claim 9, Ketonen also teaches the input signal comprising a plurality of communication signals (see col. 3, lines 7-9).

Referring to Claim 10, Ketonen also teaches a mast head amplifier (see col. 5, line 44).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ketonen in view of DeMarco (US 6,047,199 "IDS").

Referring to Claim 1, Ketonen teaches a method of transmitting a communication signal between a radio base station and a radiation element (see col. 2, lines 37-39), the method comprising:

receiving an input signal (see col. 3, lines 7-9);

extracting a data signal from the input signal that includes values representing operating parameters of devices at the radiation element (see col. 3, lines 50-55); and producing a status signal for each device that simulates a feedback signal for the device (see col. 6, lines 57-65).

Ketonen does not teach multiple radiation elements and receiving an input signal from the multiple radiation elements over a common feeder cable. DeMarco teaches multiple radiation elements and receiving an input signal from the multiple radiation elements over a common feeder cable (see fig. 3A where the multiple radios are combined into one feeder cable and col. 5, lines 38-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of

DeMarco to said device of Ketonen in order to cut costs by using less and less expensive feeder lines.

Claim 15 has similar limitations as claim 1.

Referring to Claim 2, Ketonen also teaches the input signal comprising a plurality of communication signals (see col. 3, lines 7-9).

Referring to Claim 3, the devices including system cables 206 (fig. 2).

Referring to Claim 4, Ketonen also teaches a mast head amplifier (see col. 5, line 44).

Response to Arguments

5. Applicant's arguments with respect to claims 1-4 and 15 have been considered but are moot in view of the new ground(s) of rejection.

6. Applicant's arguments filed 7/1/2005 have been fully considered but they are not persuasive.

After consideration of the applicant's arguments, it is still believed by the examiner that the applicant did not go into enough specific detail in the argument as to what differentiates "operating parameter settings" from what is taught in the Ketonen reference. The term in the claim, "operating parameters" is a term which has very broad meaning to one skilled in the art and without more specific detail in the claim as to what differentiates the term meaning from what is taught in the Ketonen reference, the examiner can assume that conditions such as difference in power and difference in

phase can be operating parameters. Therefore, the examiner still believes that the Ketonen reference teaches the limitations stated in the above rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Yun whose telephone number is (571) 272-7860. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EY
Eugene Yun
Examiner
Art Unit 2682

EY

Milord
MARCEAU MILD
PRIMARY EXAMINER